



CITY OF SAN ANTONIO

DEPARTMENT OF DEVELOPMENT SERVICES

TO: Development Services Department Customers

SUBJECT: **INFORMATION BULLETIN 126c**
Temporary Certificate of Occupancy (C of O) - New Residential Construction

DATE: October 16, 2007

The 2006 *International Residential Code* states in part that no building or structure shall be used or occupied until the building official has issued a Certificate of Occupancy (C of O). Many times there are extenuating circumstances that prevent a building from being 100% complete, even though all safety-related items have been completed. In these circumstances, an owner may choose to apply for a Temporary C of O that will allow him to legally occupy a structure for a limited period of time. The purpose of this information bulletin is to outline the process of obtaining a Temporary Certificate of Occupancy for new residential construction.

AUTOMATIC CERTIFICATE OF OCCUPANCY. On new residential construction, automatic C of O's are issued when:

1. All applicable permits associated with the construction of the residence are secured including but not limited to building, electrical, plumbing, and mechanical.
2. All inspections have been performed and approved without any stipulations.
3. All outstanding fees such as permit fees, plan review fees and re-inspection fees have been paid.

TEMPORARY CERTIFICATE OF OCCUPANCY. A Temporary C of O may be issued when all necessary permits have been obtained and all required inspections preceding the final inspection are approved. The following steps are to be followed:

1. On those permits that are not complete and ready for a final inspection, for whatever reason, it is the responsibility of the permit holder to request from the appropriate inspector an inspection and approval for a Temporary C of O. If approving, the inspector must document the approval with any stipulations/conditions on the yellow Temporary C of O inspection slip and indicate the number of days that he has authorized temporary occupancy. If the number of days authorized by each inspector varies, then the least amount of days shall apply.
2. The applicant shall submit an Application for Temporary Certificate of Occupancy form with the Development Services Department requesting a temporary C of O for the number of days authorized and addressing the items that are needed to secure a permanent C of O.
3. All outstanding fees such as permit fees, plan review fees, re-inspection fees, and Temporary C of O fee shall be paid.

The Temporary C of O will be put in a suspense file until the permanent C of O is issued or expires, at which time the permit holder is required to apply for an extension of the Temporary C of O and pay the required fee. Occupying a residential structure prior to the issuance of a C of O or Temporary C of O will be viewed as a violation of the building code and result in application of the move-in penalty fee identified in the adopted fee schedule.

Should you have any questions regarding this information bulletin, please contact a Development Services Manager at (210) 207-0159 or (210) 207-0148.



CITY OF SAN ANTONIO

DEPARTMENT OF DEVELOPMENT SERVICES APPLICATION FOR TEMPORARY CERTIFICATE OF OCCUPANCY

CONTRACTOR: _____ AP#: _____
OCCUPANT: _____

PROJECT NAME: _____
PROJECT ADDRESS: _____

DATE OF REQUESTED OCCUPANCY: _____
ANTICIPATED DATE OF PROJECT COMPLETION: _____

AREA(S) REQUESTED
FOR OCCUPANCY: _____
REASON FOR
REQUEST: _____

IDENTIFY WORK THAT
IS NOT COMPLETE: _____

STIPULATIONS/CONDITIONS OF APPROVAL: _____

1. The 2006 International Building Code section 110.3 provides for issuance of a Temporary Certificate of Occupancy (TCO) to use a portion or portions of a building or structure provided that such portion or portions shall be occupied safely. Prior to the issuance of a TCO, a \$500.00 commercial issuance fee must be paid. The residential TCO fee is \$150.00. (Per building, or portion thereof).
2. Development Services may suspend or revoke the TCO if it is determined that the structure is in violation of any City of San Antonio adopted code or ordinance.
3. Prior to the expiration of the TCO, it is the responsibility of the contractor to request required inspections for completion of permitted work. Acceptable final inspections are required by all applicable trades prior to issuance of a Certificate of Occupancy. If uncompleted work cannot be finished during the duration of the TCO, an extension must be requested at a cost of \$100.00 for commercial, \$75.00 for residential. (Per TCO renewed).
4. The TCO may be issued when all necessary permits have been obtained and all inspections preceding the final inspection are approved.

**AS THE CONTRACTOR, I FULLY UNDERSTAND AND AGREE TO
CONFORM TO THE PROVISIONS OF THIS APPLICATION AND ANY
CONDITIONS ASSOCIATED WITH THE TCO APPROVAL.**

(Print) _____ Telephone: _____
(Sign) _____ Title: _____ Date: _____

Temporary Certificate of Occupancy (TCO) Information Handout

A TCO application expires **30** days from the date of application. If a TCO is not issued within this timeframe, the application is void. To reapply, the contractor must obtain a new application and pay applicable fees as per the Development Services Department fee schedule. This information Bulletin 126a outlines the C of O and Temporary C of O fees and any pertaining penalties involved.

Applying for a TCO does not mean you have authorization to use or occupy the building. Occupancy is authorized upon receipt, by the contractor, of a Temporary C of O signed by the Building Official.

To receive a TCO, all life and safety construction items must be completed and when all necessary permits have been obtained and all inspections preceding the final inspection are approved. All certification letters from engineers and special inspection reports must be submitted and approved prior to TCO. All outstanding fees such as permit fees, plan review fees, re-inspection fees shall also be paid prior to TCO.

It is the responsibility of the contractor to request from the appropriate inspector an approval for TCO. The inspector must document the approval on the yellow TCO inspection slip and indicate the number of days approved. If the number of days approved by each inspector varies, then the lesser shall apply. Upon completion of this application, a Temporary Certificate of Occupancy will be prepared and handed to the contractor by the Development Services Customer Service Supervisor located on the 1st floor. This document will only be handed to the contractor of record or representative of.

Issuance of a TCO does not constitute completion of a construction project. It is the contractor's responsibility to control the use and occupancy of a building until all clearances and inspection requirements are completed and a full Certificate of Occupancy is received.

All construction work must be completed with full clearances and required inspection approvals prior to expiration of the TCO. It is the contractor's responsibility to request all necessary inspections and approvals. If the project is not completed, it is the contractor's responsibility to contact the Chief Building Inspector to discuss options, which may include applying for another TCO.

DO NOT OCCUPY A BUILDING OR PORTION THEROF WITHOUT A TCO. There is a \$500.00 new commercial occupancy without a C of O penalty fee. The penalty fee for residential is \$300.00. There is also an existing commercial occupancy without C of O penalty fee of \$200.00. (Plus the C of O fee).

DO NOT ALLOW A TCO TO EXPIRE. Occupancy of a building without a TCO is a code violation and will immediately result in enforcement by this department, which may include the disconnection of utilities and the filing of a municipal court case.

If you have any questions related to the TCO process or inspection requirements specific to your project, feel free to contact the Chief Building Inspector at (210)207-8314. (Initial)_____